

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

MOLLY ANN MAHANY,

Plaintiff,

v.

DECISION AND ORDER  
14-CV-693A

THE POLICE DEPARTMENT FOR THE CITY  
OF BUFFALO, STATE OF NEW YORK  
and  
THE DISTRICT ATTORNEY'S OFFICE FOR  
THE COUNTY OF ERIE, STATE OF NEW YORK,

Defendants.

---

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On January 9, 2018, Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 55), recommending that Plaintiff's motions to vacate prior judgments (Dkt. No. 3) and to amend her complaint (Dkt. No. 38) be denied. Magistrate Judge Schroeder further recommended that Defendant Buffalo Police Department's motion to dismiss and for judgment on the pleadings (Dkt. No. 27) be granted, and that Defendant Erie County District Attorney Office's motion to dismiss and for judgment on the pleadings (Dkt. No. 31) also be granted.

Plaintiff filed objections to the Report and Recommendation (Dkt. No. 56). Both Defendants dispute whether Plaintiff has filed proper objections. See Fed. R. Civ. P. 72(b); L. Civ. R. 72(b) & 72(c). The Court, however, need not resolve this dispute. Even if Plaintiff properly objected to Magistrate Judge Schroeder's Report and Recommendation – which would require the Court to conduct a *de novo* review of those

portions of the Report and Recommendation to which objections have been made – the Court would adopt the Report and Recommendation in its entirety. Thus, it is hereby

**ORDERED**, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, Plaintiff's motions to vacate prior judgments and to amend her complaint are denied. It is further ordered that Defendant Buffalo Police Department's motion to dismiss and for judgment on the pleadings is granted, and that Defendant Erie County District Attorney Office's motion to dismiss and for judgment on the pleadings is also granted.

The Clerk of Court shall take all steps necessary to close the case.

**IT IS SO ORDERED.**

*Richard J. Arcara*

---

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 12, 2018